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"C Thompson
Email: request-220650-1e13c0bc@whatdotheyknow.com

Telephone: 01629 538373
Ask for: Lucie Collard
Our Ref: LC/RFI/47215/15
Your Ref:
9 July 2015

Dear C Thompson

Request for information – internal review

I write regarding your request for a review of the Council's response to your freedom of information request, which you made on the 6 January 2015. I am the officer appointed to review this matter and I have now had the opportunity to evaluate the response given by Derbyshire County Council.

Your original request was as follows:

"You told me that if HM Treasury remove the current Direction and do not issue a new one requiring Funds to fully increase pensions where the additional pension is less than the GMP. I would like to know if you have received any instructions as to if pension funds will have to increase the GMP in full or not and if so let me have a copy of the instructions."

As reviewing officer I have now had the opportunity to evaluate the initial response given by the Council. Please see the review below.

The request was considered under the Freedom of Information Act 2000 (FOIA). Under FOIA, a person has the right to be informed in writing whether or not a public authority holds information specified in a request and to have that information provided to them if the authority holds that information, although this right is subject to a limited number of exemptions.

The original request was received on 6 January 2015, therefore, a response should have been provided by the 2 February 2015 in order to comply with the statutory deadline of 20 working days. A response was not provided within this time scale, therefore, I consider that the Council has not complied with s. 10 FOIA.

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I have made enquiries with the relevant department about the information you have requested. It has been confirmed that the information requested is not held by Derbyshire County Council and was not held at the date of your request. The Council should have informed you of this within 20 working days and by not doing so has failed to comply with s. 1 FOIA.

In summary, I consider that the Council failed to provide a response within 20 working days and did not comply with s. 10 FOIA. The Council failed to advise that the information requested was not held at the time of your request and did not comply with s. 1(1)(a) FOIA.

I hope that this satisfies your request for a review.

If you wish to challenge this decision you have a right to contact the Information Commissioner's Office as follows:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
Tel: 0303 123 1113
Fax: 01625 524510
www.ico.org.uk/complaints.aspx

Yours sincerely



Lucie Collard
Senior Solicitor
For John McElvaney
Director of Legal Services